A

VVORD

To Purpoſe: Or,

A

Parthian Dart

35

Shot back to 1642, and from thence ſhot back again to 1659. ſwiftly glancing upon ſome remarkable Occurrences of the Times; and now ſticks faſt in two ſubſtantial QUERIES,

I. Concerning

The Legality of the Second Meeting of ſome of the Long- Parliament-Members.

ALSO,

A Fools Bolt ſhot into *Wallingford* Houſe, by as good a Friend to *England*, as any is there, concerning

A Free State.

The ſecond Impreſſion, with Addition.

Printed 1659.

WORD

To Purpose.

Short Lives, and Forbidance

The Second Part

A Poem Between Two Wits

A Free Share.

Printed 1693.

A VVord to Purpose,

OR

A *Parthian Dart*, shot back to 1652. and from thence shot back again to 1649, &c.

I. *Whether the men met together in the House at* VVestminster, *where usually the Commons sate, be at this day a lawfull Parliament, according to the Fundamental laws of this Nation, to bind the people to obey their Commands?*

The Grounds of my Scruple are these.

Query I.

I. ADmitting the Power to be a derivative from the People originally, either by Request and Election precedent, or Agreement and Consent subsequent, which is all one; and thereby a Supremacy of Power is lodged and fixed somewhere in one or more Persons, who hath in him or them the Appointment of a season for the Commons to elect their Representatives, and send them up to Consult according to our long continued Laws (though the Commons Representatives were not in former times known, but by the Notion of Petitioners) with the other two Estates; their Authority and VVarrant which they receive from the people, is not expressed but implyed, with this difference; their general Au hority is expressed indeed, which answers the VVrit of Summons to Consult, *&c.* I say expressed, because by their actions in Electing, according to the VVrit, they expresse themselves: But the Authority in law or implyed, is this;

First, To make Laws for the good of the People.

Secondly, According to the antient custome.

1. Of this Realm, that is, not to make laws to undo the People, not to make laws to destroy the People, not to make laws to perpetuate heavy burthens upon the People.

2. According to the Antient customs of this Realm, that is, to joyn with their Fellowes, not to grow peremptory and saucy, and Rebellious against their Superiours in Honour and Dignity, though at that time equal onely with themselves in Power, not to violate the known and antiently renewed Privileges, which any of the other Estates hath been long endowed with; and that by the consent of their Masters that sent them thither, not to enforce their Fellows to consent to an Act against Reason, against their own Trusts, against the Obedience that they have bound themselves to by Oath, and that all, so that Elected them, are also bound by Oath too with many others; which if they do they forfeit their Trusts. Now to prove their implyed Commission runs in this channel, I say, First, all Parliaments ever went according to these rules, which is Argument enough: Our Laws and Liberties (which people prate of and mistake) have no other Authority than the common and constant custome of the men of this Nation.

Secondly, Is it not against sense and reason, that men should give others a Power to Undo, Destroy, or Oppresse themselves? And can it be imagined that when the King sends his VVrits out for summoning of a Parliament, consisting of Lords and Commons, according to the Antient Usage of this Realm, and the People sending their Representatives accordingly to advise with the other Estates; but that the People intended they should proceed according to the antient Rules and Prescripts of Government, to acknowledge the Supremacy of the single Person, invested absolutely without any Power of Revocation, with several Prerogatives and Immunities befitting, necessary and of absolute Import for the Grandeur, Honour and Serenity of his Person, with Power in a moderate measure for discharging his Place, in putting in execution of Laws in intervals; also to acknowledge the decent precedency of the other Estate, differenced onely from them in the point of Honour, and lovingly, religiously and faithfully to joyn with them in establishing Laws, for the mutual good one of another, and all the rest whose Trusts they execute. Can

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it be imagined that the People intended, when they sent their Representatives up to *London*, at the beginning of the Long Parliament; that they or one of them did or durst think of turning out the House of Lords; equal to themselves in lawful Power? Of turning out one half of themselves, equal to themselves? of Deposing the King, to whom all had sworn Allegiance? besides of a multitude of more inferiour hideous actions; I am confident, no such thing was thought (yet as to the Bishops, I do not affirm so much, nor do I count that act, being done by the three Estates any more than the excluding Abbots and Priors) then if these things was not thought of; certainly Authority to do such things were never given by the People; then it follows, that if the Representatives do exceed their Commissions, and proceed contrary to the rules before mentioned, it is not obligatory; now I intend they exceed their Commissions; when they act any thing contrary to Reason, Religion, the Peace of the Nation, the Fundamentals of settled government, or impossible; some of all which, though enacted by the three Estates, the learned in the Law knows bind not; And indeed I am of opinion, and many more, therefore shall not go about to prove it, That the House of Commons at first lawfully Assembled, did after 1642. obtrude all these incongruities, Absurdities, Cheats and Villanies upon the People of this Nation, and so forfeited their Authorities. But admitting that my Bayliff whom I imployed to mannage my estate for me, will fall out with some that I have dealing with, and without my warrant sue, bring to tryal and recover (*per fas vel nefas*) something for me, under colour all this while of my Authority, and in my name, and further takes out execution, and possesses himself of the other mans goods, and pretends for my use, yet keeps them to his own; and sayes all this is by my Warrant, when in truth I was against it: And admitting all this to be lawful, and that my VVarrant justifies all he hath done; yet if I die, my Books tell me the VVarrant is determined as to the executory part of it. Now I conceive, the death of the King, determined, what pretence the Long Parliament could possibly have to act as a Parliament? for his death determines all Commissions, all VVrits derived from him to hold at VVill; so that the very VVrit whereby they were

noned is by his death determined and of no force; then the perſtructure muſt fall; beſides (which is a great argument with many) who ever knew a Parliament, a Committee, or other like inferiour Commiſſionated Court, to hold after the death or determination of him or them under whom they derive their Power? and if the Act of perpetuating themſelves be thrown in my Diſh, I'le throw that into the houſe of office, uſing it as other waſte paper.

For firſt, I hold that Act void in its Creation, and yet ſhall not hint that ſecret force that made it an Act; but as I ſaid before: Acts againſt Reaſon and the Fundamentals of that Government, which impowers them to act, are void; and therefore if the three Eſtates had Enacted that there is no King or Houſe of Lords in theſe three Nations, this had been void, and a contradiction, that that Act ſhould take away the Power that made it an Act, when 'tis moſt certain, that if that be an Act, the King is a King, and ſo they are *relata*. So of Acts againſt Reaſon, that ſhould enact that there ſhould be no King in *England*, *&c.* after ſuch a day; this though ſigned by the three Eſtates is void; for alteration of Government was never in their Commiſſion unleſſe expreſſed, which had it been, it would have been Treaſon. Impoſſible Acts, your own feeble ſenſe will tell you, are void, and you need not to ſee the Comment by *Cook* upon 35 *E.* 1. which Act would have had the common Seal of the Orders of *Ciſtercians*, *&c.* to be in the cuſtody of the Prior, and of the four of the diſcreeteſt of the Covent, ſealed up with the Privy Seal of the Abbot; and if any Writing ſhould be ſealed with any other ſeal than with the ſaid common Seal, ſo (as is aforeſaid) kept in cuſtody, it ſhould be void; Now obſerve, if it be kept in cuſtody under the Seal of the Abbot, then no Writing can be ſealed by the Abbot, and if the Abbot takes it out and ſeales, &c. then, &c. not kept in cuſtody under his Privy Seal, this you may ſee in the printed Book, and is called *de Aſportatu religioſorum*, I pray mind it, there is good matter to be learned from thence: Now to Apply theſe things, I conceive, an Act of Parliament to perpetuate themſelves a Parliament, is as abſurd, as to enact that there never ſhould be a Parliament again: I know the laſt will

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be noted void by the Keepers of the Liberties, and doubtless it's void as against their Commissions. And therefore if I leave land to *I. S.* so long as *I. N.* shall think fit, and *I. N.* sayes he thinks fit he shall have it to him and his heirs, this is void in law, as to the perpetuity of it, and never was intended between the parties.

But admitting that also the act good, yet Acts must be construed according to the intent of the Maker, a certain rule: Now we well know, and so do you, and those unruly Members know too, that the intent of the Makers on no sides was that the Parliament should continue for ever; nor that it should not cease by a legal determination, such as is the Kings death, but only that the King should not break them up till they had eased the grievances of the people, and that they might sit a convenient time for doing the service of the Country, this is the true meaning of it, you know well enough, and this agrees with the right interpretation of other Acts of Parliament.

But admitting that also, yet me thinks the Exclusion of half of themselves, should hugely abate the legality of their power, and infringe the privileges and native Rights of the People, who should sit in Parliament by their Representatives, but that's a small one, I passe it over.

But further, I have heard that a Parliament discontinued is dissolved; which was the opinion of Chief Justice *Roll* and Justice *Ayke*, two men as indulgent to the designes of the Keepers of our Liberties from us, as they can find out again: and this they declared in Captain *Streaters* Case, one of your own disciples: Then your Assembly being not adjourned is discontinued and so dissolved.

Just now, I fancy some may object, a Force in that case, doe so and I'le Answer it; but in the mean time, if it were a force, and that Assembly a Parliament, it was Treason; and I will never believe it to be a Force, till I see some of the Offenders hanged; and if that should come to passe, it would go hard with most of those that called them together again.

But admitting all this, yet there is one thing more that makes me *Querie*; And that is this: Generally and regularly, the King hath Power to Dissolve; and when the King is taken away, that

Power

Power devolves upon the People, this I ſuppoſe muſt be granted; elſe let the Commons cut off their King, and they have *ipſo facto*, at the ſame inſtant made themſelves an everlaſting Parliament, without the help of a ſpecious Act; then admitting that the King was bound by that Act, as *ſub modo*, I agree he was: Now the King is taken away, who is now bound by it? the Keepers of the Liberties, *&c.* That's no ſenſe, that the Keepers ſhould be bound not to diſſolve the Keepers, without the conſent of the Keepers, and they are *de facto*, now the only Succeſſion of the King; then it falls out now that Act is void, then hath no body power to Diſſolve; Yes, the Souldiers, *probatum eſt*: But I mean lawful Power? Yes, the People: And therefore I liken it to this Caſe.

I. enfeoff *I. S.* in Fee of certain Lands, upon condition that he ſhall pay a certain ſum of money yearly to *I. N.* And he doth not pay, who ſhall take advantage of the Condition? *I. N.* cannot, the law diſables him; for none can take advantage of a Condition but he from whom the eſtate moves: then it follows that *I. S.* muſt if any: and ſo he may by law, though there be no clauſe of reentry by him for condition broken. This is our caſe, the people choſe their repreſentatives, and gave them a Commiſſion before remembred, but with a condition annexed thereto, that the King ſhould take advantage of it upon occaſion, Now know that the King is not a ſtranger as *I. N.* is in the former caſe, but he joyning by his Writ with the people, is become as party to the deed, and ſo may have a condition reſerved to him; beſides the caſes will thus differ, that antient Common-Law of *England* (older than Commons ſitting in Parliament) hath endowed the King therewith. But our Keepers made that impoſſible to be done by no Law, which the Law made Impoſſible to be done in caſe of *I. N.* So that they that gave the Authority muſt countermand and reſume it again, if they can, they may certainly, for no Authority whatſoever, but is countermandable. Now what if the people have countermanded this Authority, and that by the conſent of themſelves or moſt of them? One would think this would make it clear: then lets conſider, There is a Countermand expreſſe, and a Countermand in law or implyed: Now by both theſe, the people have Countermanded their Authority.

First

First, Expreſſely, then know an expreſs countermand, is either *per alium* or *per ſe*, either in perſon, or by others; and a countermand by others is either by command precedent, or agreement ſubſequent; and all theſe as firm in law one as the other; and that which makes for our purpoſe is no more, but this caſe: I reenter for condition broken by another, or another reenters in his own name, and I agree to it, this may be done by law.

Now then *Oliver Cromwell* pulled thoſe whipſters out by the ears, (and did them no wrong, ſay ſome, for he might as well turn them out, as they turn him out, that had better right, and he might as well Govern as they, having as good Authority and better, comming neerer the old model but let this Act be lawfull or not lawfull (and ſome ſay no publick Act this ſixteen years hath been lawfull) yet if he hath the agreement ſubſequent of the People to it, that makes it doubtleſſe lawfull. And that agreement is very obvious.

First, The Saints agreed to it, that is to ſay, the Army, ask *Lambert* elſe, next the godly party in the Country agreed to it, as appears by their ſpeedy ſcudding up to *Weſtminſter* into the ſame place and confirmed it over and over, next all the people of the three Nations agreed to it, in chooſing a new Repreſentative to Congratulate *Oliver*, for the good ſervice; and to give him ſome handſome gratuity for his pains, which accordingly was done, and that more then once, and with great ſolemnity; and not only to him, but to his Son, and that with as great ſolemnity and as unanimouſly as ever any Prince could be enthroned: And if I may ſpeak the ſenſe of all that ever I came neer ſince that time. I never heard one man ſpeak concerning it, but heartily rejoyced, that the yoak was taken off their necks. But again, let the deſignes of *Oliver* be what they would; yet the peoples chuſing new Repreſentatives, as oft as occaſion was offered; is clearly an implyed countermand of the Commiſſion of the former; for two ſort of men cannot be commiſſionated ſeverally to do the ſame thing, but the firſt are countermanded by the laſt, if they be countermandable; and the laſt are void, if the other be not countermandable: Now all theſe ſeveral choiſes of Repreſentatives

were to doe the same thing, that is, to transact the great Affairs of the Nation, which Authority is countermandable, draw hence the Conclusion &c.

And further Its evident the Army agreed to to all this, and so did a great many of those few that meet now in the Parliament house, who sate more than once in the same place they now sit in, by vi tue of the peoples new choice; which some, if not all, made, contrived and contended for; and after made Laws to confirm the then Protector, which doubtlesse shews plainly, that they took the former long Assembly to be determined; and by their actings, are by Law estopped and concluded, To say otherwise, like to this case in Law; Lessee for many years by a good Lease accepts from his Lessor a void Lease; that is, a surrender and determination of his former good Lease; for by his acceptance, he hath admitted the Lessor to have a power to make another Contract, which must work a surrender of his former, otherwise there could be no new contract: So it is here; which Note.

So now the grounds of my scruple being these, That its conceived generally, that the long Parliament forfeited their Trusts and Authorities, by going beyond their Commissions, notwithstanding the Act of not Dissolving, &c. made by the three Estates: Or else that they determined by the death of the King? However their Power determined as to make Acts, Or else they determined by their discontinuance? or else by the Peoples reseising their Authority, and granting it to others which they would not have done, had they intended the same should have continued: And had the Act of *Oliver* in Dissolving them not been acceptable to the People, he had not sat so sure as he did. I must ingenuously say, I cannot see (unless I be further enlightned, which I wish some would endeavour) how this present meeting in the parliament House, should amount to a Parliament?

But mistake me not, I offer not this to publike view to breed contentions, stirs and debates in the Land, we are like to have enough of them besides; but my main end is to have some satisfaction; and that a thing of so great moment to the people may be settled and resolved, and the consciences of many

many quieted: For how can it be imagined, that the people ſhould be obedient, when they doubt the grounds of the ſupreme Authority? And what compliance other then a paſſive ſubmiſſion can be expected, when an Uſurped, confuſed, unlimited, rude and groundleſs power ſhall obtrude themſelves upon the Rights, Liberties, and Native priviledges of the people? When a diſorderly unaccountable and unwarrantable procedure is ſet on foot by a company unauthorized inferiour ſpirits? To whom, ſad experience hath dictated, that no truſt or heed is to be given; becauſe, their whole proceedings have been violent, their own judgements unſetled, their pretences but pretences; their thoughts conceits, and their whole practiſe contradictions. But now on the other ſide, can they aſſure us of hopes of a ſettled Government, and ſome advantage to the publike by their changes? They ſhall have my Vote to be once more intruſted: but give me leave to offer one Query more.

whether as things now ſtand, it is likely we ſhould compaſs the deſigne of ſetting up a Free State?

The grounds and inducements to this query are theſe.

Firſt, in reſpect of thoſe that are to do it by greateſt pretence:
Secondly, In reſpect of thoſe that would do it without any pretence.
Thirdly, In reſpect of the thing it ſelf to be done.

FIrſt, they that are to do it, if any, muſt be the men met at the Parliament Houſe: Now as to them conſider how their Power ſtands; for if it fall out, that they go on in an unauthoritative way, what they do will not long ſtand? witneſs all the unwarrantable Attempts and Acts, that have been attempted or acted from the firſt Rebellion; if all or moſt have not been oppoſed, contradicted, and many nulled by after contrary actions? Then again conſider their ſpirits and tempers, are they not diſſatisfied, diſtaſted and diſtempered ſpirits, are they not fiery tongues onely, that is, are they not zealous without knowledge? When they that ſit at the Helm

of Government ſhould have cloven tongues alſo? that is knowledge to diſcern truth from errour; and know that knowledge without zeal is like a ſhip without a ſayl, and zeale without knowledge, is like a ſhip under ſaile without a Pilot: Alſo are they not men too much biaſſed to private Intereſts? do they not call the Long Parliament-time a bleſſed time, becauſe ſome of them could make ſhift to bleſs themſelves with above twenty thouſand pounds *per ann.* and the other with fair eſtates? And is not this the deſigne of them to return willingly till the reſidue of the Land unſold be *viis & modis* brought into their own clutches, at leaſt good gratuities? ſee the hiſtory of Independency.

Are they men acquainted with a Free-ſtate, or underſtood the meaning thereof? Or where could they learn it, unleſs by ſome Jeſuits Inſinuation? I'm confident they never found a jot concerning it in the Houſe they ſit in, and where they are deſirous to ſpend their dayes.

Secondly in reſpect of the men that would do it without any pretence whatſoever, that is the Army. Now conſider, was ever a long laſting Government eſtabliſhed by an Army? Was there ever any Religion in an Army? Can we think an Army, which hath for many years burthened, oppreſſed, impoveriſhed and almoſt ruined the people, ſhould ſet up a Government. Eſpecially whileſt they themſelves acknowledge a Power above them, or can a Parliament do it, when they know there is in truth a power above them? Can they both do it, when they cannot agree? Do the men in the Parliament-Houſe ſignifie any more than the man that ſtands upon the Clock in *Weſtminſter Abbey* with the Hammer in his hand, and when the Iron wheels bid him ſtrike, he ſtrikes: Hath it not been ſo (at the leaſt ſince 1648.) between the Army and Parliament (as it is called) durſt they ever do any thing contrary to the mind of the Army? Yea they did, and were alwayes chidden, ſometimes beaten for their paines. Do the ſouldiers know what they would have? Yes, Doney, Great eſtates, and nothing elſe? Yes, honour, and would every one be rulers in chief, and would play Level-coyle with the Government, and ſo play the Fool or Knave with the people? How is it poſſible to imagine that ſo many hot-ſpurs that ſtand in

equali

equali Gradu one to the other, should ever agree in a supremacy? *Oliver* we know was as hot as these, with as fair pretences, but nothing would serve but *aut Cæsar, aut Nullus*, and that would have done too; had he been as good as his promise to him that was the next him in Power, and had he came in his room, a Free-state had not been dream't on, but we saw the dignity and honour was going in another Channell, no hope of comming to us, which is intollerable: lets bring all even again, and then may I come in and be chief, if this were the thoughts of but one, it were pretty well, but is not this the thoughts of many? great hopes of a Free-state: And certainly the chief grounds of our confusions are, that all would be Governours, and the hearts of most, I mean of the men in Power, are stuffed with excessive pride, and can never subject themselves to any subordination, or live as subject, and if all be Governors, there are no Governours, like a bastard that is *filius populi is nullius filius*, he that hath every one for his Father hat no Father at all.

Thirdly in respect of the thing it self, which we must call a Commonwealth or Free-State.

A Free State? How Free? What! within the meaning of *Magna Carta, Cap.* 1. *Libera pro liberata*? That is, that our possessions and goods shall be freed from all unjust Taxations and Oppressions, and a restitution made to us of our antient Rights and Liberties, and a freeing us from such Impositions and Services as have been usurped and encroached upon us by illegall Power; which is but declaratory of the common Laws of *England*? Or within *Magna Carta cap.* 29. Where Freedome and Liberties signifie particular interest and Liberties, which they have or ought to have either by lawfull grant or prescription? I pray lets have such a Free-State, and I'le say no more, but thanks. But is it not meant a Free State, that every one shall be free to do that which is good in his own eyes, or that every one shall be free to do what he hath power enough to do, or that every one shall be free in *Hobsons* choice, to take, enjoy, or have what the Army will suffer us to take, enjoy, or have,

have, or nothing? or Free in paying the ſouldiers, or Free to do what the Army would have us. Let the people think of this.

But if they mean a Government by the peoples Repreſentatives onely, which is a Democracy, let them tell us ſo: why do not the people chooſe them? What have the Army to do to chooſe men to make laws, to bind me or my eſtate? What tell they me that the people choſe thoſe men? Tis true, but not to play ſuch tricks as they have done: I told you before, they had abuſed their Authority, and it was taken away from them.

But think of a Democracy rightly ordered, That the Keepers, *&c.* would have? but let them take heed, for if theſe Mounſiuers once leave the houſe, they are like never to come there again: And as for the ſouldiers, let the people have their choiſe, and they would chooſe to have them hanged. Beſides a a Democracy ſquares not with the *genius* of this people; and while *Harrinton* (ſpeaking well of a Common-wealth in general) would fit and calculate it for our Horizon, becauſe it ſuits with other Nations, he talks like an aſs; for the laws of every Nation are ſuited to the conſtitution of the people: were it poſſible now to alter the Fundamental poſitive ancient Common Law of this Nation, concerning men and times? Its impoſſible; however eager Wolves may bark at the Moon: and its as impoſſible to ſudue the Hearts of the people to another frame of Government, to have it continue long. Alas! after the Kings death, the people, poor, beaten, tyred Parliament-ridden wretches, were content to have any thing to be quiet; but as ſoon as *Oliver* ſtept up into the chair; ſee how willingly they conſpired with him? how chearefully they embraced him? Which was onely becauſe of the Government, and the reduction of the ancient known Laws and ſupremacy into the ancient Channel, for as for his perſon they deemed him a Traytor.

As

As for Oligarchy, a government by a few, a Senate, by the Officers of the Army; its so senseleſſe, Ile not think of it

But this Ile say, let them that wiſh for *Charls Stuarts* comming in again, make all they can for an Oligarchy; however a Democracy will do it: and let the Souldiers alone and be quiet. For let them have a common Enemy, or any power to oppoſe, theyle joyn and be unanimous in ſuch a buſineſſe. But let them reſt, and have nothing to do, and they'l make ſomething to do: Let them be idle and they'l be buſie; and if they can finde no buſineſs, theyle make ſome, Give them no occaſion of fighting with others, and my life for it, theyle fight with themſelves; *and when Thieves fall out, honeſt men will come by their own.*

FINIS.